



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,265	10/02/2003	Edward J. Kroliczek	2507-8637.1US (22235-US-0)	3460
60794 7590 04/29/2011 TRASKBRITT, P.C./ ALLIANT TECH SYSTEMS P.O. BOX 2550 SALT LAKE CITY, UT 84110			EXAMINER CIRIC, LJILJANA V	
			ART UNIT 3785	PAPER NUMBER
			NOTIFICATION DATE 04/29/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/676,265

Applicant(s)

KROLICZEK ET AL.

Examiner

Ljiljana (Lil) V. Ciric

Art Unit

3785

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 April 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-3, 6-12, 16, 18, 24-28, 52-54, 57, 59, 60, 64 and 65.  
Claim(s) withdrawn from consideration: 19-23, 29-47, 49-51, 63 and 79-85.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Ljiljana (Lil) V. Ciric/  
Primary Examiner, Art Unit 3785

Continuation of 3. NOTE: The proposed amendments to the claims would change the scope of the claims, thus necessitating further search and/or consideration.

Continuation of 11. does NOT place the application in condition for allowance because: applicant's arguments as filed on April 18, 2011 are generally not persuasive. As a preface, the examiner wishes to respectfully remind applicant that pending claims are to be given their broadest reasonable interpretation. Applicant's arguments regarding the vapor removal channel 38 of Shaubach et al. purportedly not being located at an interface between the wick 40 and the housing of the heat pipe 28 are not found persuasive because Shaubach et al. discloses that the vapor removal channel 38 encompasses/overlaps the wick 40 (because the wick is both located within the vapor removal channel 38 AND its porosity allows vapor to be moved/removed therethrough); hence, the vapor removal channel 38 extends to the interface between the wick 40 and the housing of the heat pipe 28 and is thus located at the interface thereof as recited in the claims of the instant application. Similarly, applicant's arguments regarding the liquid flow channel or artery structure 34 purportedly not being located at an interface between the liquid barrier wall of the artery 32 and the wick 40 is also not found persuasive because Shaubach et al. discloses the liquid flow channel or artery structure 34 as encompassing/overlapping the corresponding portion of the wick 40 and extending to the corresponding liquid barrier wall of artery 32 as shown in Figure 4; the liquid flow channel or artery structure 34 of Shaubach et al. thus is located at the interface of the corresponding portions of the wick 40 and of the liquid barrier wall of the artery 32 as recited in the claims of the instant application. Applicant's arguments regarding the purported patentability of claims 6, 9, and 12 are not found persuasive because the limitations relied upon are NOT recited in rejected claims 6, 9, and 12; on the contrary, applicant's arguments are based on limitations proposed for addition to the claims by the proposed amendments to the claims which have not been entered.